

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OSCAR MUNOZ CORTEZ,)	Case No.:10-CV-03479-LHK
)	
Plaintiff,)	
v.)	FURTHER ORDER REQUIRING
)	SUBMISSION OF JOINT CASE
JEFFREY LYNN JOHNSON; ROOF GUARD)	MANAGEMENT STATEMENT
ROOFING COMPANY, INC.; and ROOF)	
GUARD COMPANY, INC.,)	
)	
Defendants.)	
<hr/>		

This case was filed on August 9, 2010, and was set for an initial Case Management Conference before the undersigned Judge on November 24, 2010. On November 17, 2010, the parties submitted a joint case management statement stating that all parties consented to proceed for all purposes before a Magistrate Judge. Dkt. No. 11. Accordingly, the case was reassigned to Magistrate Judge Lloyd on November 19, 2010. On March 25, 2010, Judge Lloyd set a Case Management Conference and ordered that the parties file a statement either consenting or declining to proceed before him by April 5, 2011. On April 4, 2011, the Plaintiff filed a statement consenting to proceed before Judge Lloyd, but the Defendants filed a statement declining to proceed before him.

On April 7, 2011, the Court issued an Order stating that it wished to “set a case schedule as soon as possible to prohibit any further delay,” and ordering the parties to submit a Joint Case Management Statement by April 15, 2011 “setting forth a proposed case schedule through trial.”

1 On April 16, 2011, the parties filed a Joint Case Management Statement which failed to set
2 forth a proposed case schedule. Plaintiff's counsel indicates that the parties may have settled this
3 matter, but Defendants content that no settlement has been finalized.

4 The Court hereby advances the date of the Case Management Conference from August 3,
5 2011 to June 8, 2011 at 2 p.m. The parties shall file a Joint Case Management Statement by June
6 1, 2011. In the Joint Case Management Statement, the parties shall confirm whether or not the case
7 has settled. If the case has settled, the parties shall indicate when a stipulated dismissal will be
8 filed, or, if a fairness hearing is required, propose a schedule for the fairness hearing. If the case
9 has not settled, the parties are ordered to submit a proposed case schedule including all necessary
10 deadlines (including dates for class certification, discovery cutoff, dispositive motions, pretrial
11 conference and trial). If the parties do not submit a proposed schedule, the Court will set one
12 without their input. If Plaintiff's counsel is unable to communicate with his client in order to
13 prepare the Joint Case Management Statement, he should indicate this in the Joint Case
14 Management Statement and submit a motion to withdraw from the case, if appropriate, by June 1,
15 2011.

16 The parties are reminded that failure to comply with the Local Rules and this Court's
17 Orders can result in sanctions, and that failure to prosecute this case can subject the matter to
18 dismissal for failure to prosecute.

19 **IT IS SO ORDERED.**

20 Dated: May 18, 2011

21 
22 LUCY H. KOH
23 United States District Judge
24
25
26
27
28